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February 18, 1992

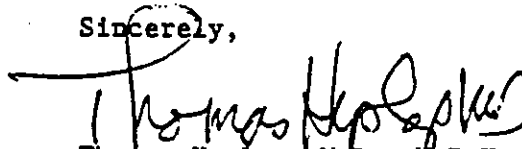
The Honorable Judge Jon Lindsay
and Commissioners' Court
Harris County Administration Building
1001 Preston Avenue
Houston, Texas 77002

Gentlemen:

I respectfully request your approval of the attached revisions to the Harris County Rules to Control Rabies. These revisions, prepared by the County Attorney's Office and reviewed by the District Attorney's Office, include deleting Section VII - Vicious Dogs and adding a provision for First Offenders of the leash law to attend a class on responsible pet ownership in exchange for the possible dismissal of charges.

If you have any question, please call Dawn Blackmar, D.V.M. at 999-8253.

Sincerely,


Thomas Hyslop, M.D., M.P.H.

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xc: Dawn D. Blackmar, D.V.M.
Henry Pastor

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PRESENTED TO
Commissioners Court

Date FEB 25 1992

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ORDER ESTABLISHING HARRIS COUNTY
RULES TO CONTROL RABIES

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

On this, the 25th day of February, 1992, the Commissioners Court of Harris County, sitting as the governing body of Harris County, Texas, being duly convened at a regular meeting of the Court, a quorum being present, upon motion of Commissioner Jortene, seconded by Commissioner Everole, duly put and carried, the following was adopted.

WHEREAS, under the provisions of the "Rabies Control Act of 1981", codified as Texas Health and Safety Code §826.001 et seq (Vernon 1990), the commissioners court of any county of this State is authorized to adopt rules which establish local rabies control programs and set local standards which are compatible with and equal to or more stringent than the program established by said Rabies Control Act of 1981 and the rules adopted by the Texas Board of Health, including but not limited to rules which require the registration and/or restraint of each dog and cat found within the county; and

WHEREAS, notice of the public hearing concerning the proposed rules was duly given to all persons concerned; and

WHEREAS, after a full and complete hearing concerning the proposed rules, the Commissioners Court of Harris County, Texas, is of the opinion and hereby affirmatively finds, determines and declares that the following rules should be adopted;

THEREFORE, it is ORDERED, ADJUDGED AND DECREED by the Commissioners Court of Harris County, Texas, that the following rules be and are hereby adopted.

PRESENTED TO
Commissioners Court
FEB 25 1992
Date _____
Recorded Vol. 158 Page 023

HARRIS COUNTY RULES TO CONTROL RABIES

SECTION I - DEFINITIONS

For the purpose of these rules certain terms and words are hereby defined. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; reference to the male gender includes the female, and reference to any person or animal without specifying gender includes both male and female; the word "shall" is mandatory and not directory. The words "animal", "cat", "dog", "person", "quarantine", "rabies", "licensed Veterinarian", "humanely destroy", "vaccinated", "currently vaccinated", "observation period", "quarantine period", and "unowned animal" shall have the same meaning as provided by the Rabies Control Act of 1981 and the Rules of the Texas Department of Health promulgated pursuant to the Rabies Control Act of 1981.

- A. "ANIMAL CONTROL OFFICER" means the person or persons employed by the Harris County Health Authority to enforce these rules.
- B. "BITE" means any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.
- C. "CERTIFICATE" means a certificate bearing the signature and license number of a licensed veterinarian, rabies tag number, the name, color, sex, species, age and breed of a dog or cat, the name and address of the owner, the date of the vaccination, the date, serial number, producer and type of vaccine administered.
- D. "COUNTY HEALTH AUTHORITY" means the duly appointed county health authority of Harris County, or any person, persons or agents employed by the Harris County Health Authority to enforce these rules.
- E. "CUSTODIAN" means a person or agency which feeds, shelters, harbors, or has possession or control, or has the responsibility to control an animal.
- F. "EXPOSED TO RABIES" means any dog or cat or other animal (whether it has been registered or vaccinated for rabies or not) which has been bitten, fighting with or has consorted with an animal known or suspected to have rabies or showing objective symptoms of rabies.
- G. "IMPOUND" means the apprehending, catching, trapping, netting, tranquilizing, confining or, if necessary,

the destruction of any animal by the animal control officer.

- H. "IMPOUNDING FACILITY" means any premises designated by Harris County for the purpose of impounding or caring for all animals found in violation of this section.
- I. "OWNER" means any individual, corporation, association or any other legal entity, that harbors, shelters, keeps, controls, manages, possesses or has part interest in any dog or cat. The occupant of any premises on which a dog or cat remains for a period of seven (7) days or to which it customarily returns daily for a period of seven (7) days is presumed to be harboring, sheltering or keeping the aforementioned dog or cat, within this definition. Under no circumstances are the normal and ordinarily accepted definitions of the terms harboring, sheltering or keeping, to be limited to the words of the aforementioned presumption. If a minor owns a dog or cat or other animal subject to the provisions of these rules, any adult occupant of the household of which such minor is a member, shall be deemed to be the owner or custodian of such dog or cat or animal for the purpose of these rules and under this order shall be responsible as the owner or custodian. If not a member of a household, such minor owner shall himself be directly subject to the provisions of these rules.
- J. "REGISTERED" means registered with Harris County Health Department as required by Section V herein.
- K. RESTRAINT" means the control of a dog or cat under the following circumstances.
1. When it is controlled by a line or leash not more than six (6) feet in length, which said line or leash is held by a human being who is capable of controlling or governing the dog or cat in question. See Section I, Paragraph H concerning minors.
 2. When it is within a fully enclosed vehicle.
 3. When it is on the premises of the owner and/or custodian, provided that said animal does not have access to a sidewalk or street.

- L. "SCHOOL" means a building where persons regularly assemble for the purpose of instruction, education, or care together with the playgrounds, dormitories, stadiums and other structures or grounds used in conjunction therewith.
- M. "STRAY" means any animal running free without restraint.
- N. "UNPROVOKED" with respect to an attack by a dog means that the dog was not hit, kicked, or struck by a person with any object or part of a person's body nor was any part of the dog's body pulled, pinched, or squeezed by a person.

SECTION II - LOCAL HEALTH AUTHORITY

- A. The Harris County Health Authority is hereby designated as the local health authority for the purposes of these rules.
- B. The local health authority shall have the duty to enforce:
 - 1. The Rabies Control Act of 1981, Texas Health and Safety Code §826.001 et seq (Vernon 1990) and amendments thereto;
 - 2. The rules of the Texas Board of Health which comprise the minimum standards for rabies control;
 - 3. The Harris County rules to control rabies adopted herein; and
 - 4. The rules adopted by the Texas Board of Health under the area of quarantine provisions of the Rabies Control Act of 1981.

SECTION III - RESTRAINT AND IMPOUNDMENT

- A. All dogs and cats shall be kept under restraint.
- B. The owner or custodian of every dog or cat shall be held responsible for any behavior of a dog or cat under the provisions of these rules.
- C. It shall be the duty of the County Health Authority, and other persons designated by said authority, to

catch, confine and impound the following:

1. All stray dogs and cats whether vaccination tag and registration tag are displayed or not.

2. Animals, domesticated, wild or stray, which have bitten or scratched a person or have bitten an animal or have been bitten by a dog or cat or animal suspected of having rabies or have been exposed to rabies.

E. All animals picked up under this section shall be impounded in a public animal facility.

F. The County Health Authority or his authorized deputies are hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing any unrestrained dog or cat straying thereon. Nothing herein shall be construed as authority to enter buildings without the permission of the occupant or owner thereof or a valid court order so authorizing; or in case of emergency under the auspice of a commissioned law enforcement officer.

G. Any person may take upon and deliver to the animal control officer any stray which the animal control officer is, by the provisions of these Rules, required to impound.

H. Each stray dog or cat is declared a public nuisance.

I. Any dog or cat found straying upon private property may be taken up by the owner of said property or his agent and delivered to the animal control officer.

J. When dogs or cats are straying and their ownership is known to the animal control officer or his deputy or a commissioned peace officer, such animals need not be impounded but the officer may, in his discretion, cite the owners or custodians of such animals to appear in a justice of the peace court to answer charges of violation of the rules.

K. The County Health Authority or his deputies, upon receiving any dog or cat, shall make a complete registry, entering therein the breed, color and sex of such animal and the place and time of taking it into custody. If tagged, he shall enter the name and address of the owner or custodian and the number of the vaccination and/or registration tag.

- L. The owner of any registered impounded animal may redeem such dog or cat during regular business hours of the Harris County Animal Control Office prior to its sale or destruction by payment of \$25.00 impounding fee and \$5.00 per day board fee for each day or portion of day such dog or cat shall have been impounded for the first impoundment of said animal; by payment of \$40.00 impounding fee and \$5.00 per day board fee for each day or portion of day such dog or cat shall have been impounded for the second impoundment of said animal; and by payment of \$75.00 impounding fee and \$5.00 per day board fee for each day or portion of day such dog or cat shall have been impounded for each subsequent impoundment of said animal.
- M. The owner of any unregistered impounded animal may redeem such animal during regular business hours of the Harris County Animal Control Office prior to its disposition or destruction by having such animal duly vaccinated against rabies, and registered and by payment of the \$25.00 impounding fee and the \$5.00 per day board fee for each day or portion of day such animal has been impounded, plus the cost of registration and vaccination for the first impoundment of said animal; by payment of the \$40.00 impoundment fee and the \$5.00 per day board fee for each day or portion of day such animal has been impounded for the second impoundment of said animal, plus the cost of registration and vaccination and by payment of the \$75.00 impounding fee and the \$5.00 per day board fee for each day or portion of day such animal has been impounded for each subsequent impoundment of said animal, plus the cost of registration and vaccination. Provided, however, upon presentation of proof by the owner that the animal has been vaccinated within twelve months immediately preceding the impoundment, said animal shall not have to be re-vaccinated.
- N. It shall be the duty of the County Health Authority to keep all healthy unclaimed dogs and cats for a period of three (3) days. If, at the expiration of such period of time such dog or cat has not been claimed or redeemed by the owner, it shall be destroyed or disposed of as herein provided.
- O. The County Health Authority shall be authorized to sell any animals impounded under the terms of these rules and not redeemed within (3) days and to sell them for the best price that can be obtained.

- P. It shall be the duty of the Harris County Health Authority to cause all animals impounded under these rules and not redeemed or sold as provided herein to be humanely destroyed as required by the Texas Department of Health.
- Q. All monies collected by the County Health Authority under the terms of these rules shall be placed in a special fund under the control of the Commissioners Court and be used only for defraying the expenses of administration and enforcement of these rules.
- R. No person shall interfere with, hinder or molest any animal control officer or other party designated by the County Health Authority, in the performance of any duty delegated hereunder, or seek to release any animal taken and held in custody under the provisions of this order except as herein provided.

SECTION IV - VACCINATIONS

The owner or custodian of every dog or cat shall have the dog or cat vaccinated against rabies as required by the Rabies Control Act of 1981 and the rules of the Texas Board of Health and amendments thereto.

SECTION V - REGISTRATION

A. It shall be unlawful for the owner or custodian to have, harbor or keep or to cause or permit to be harbored, to be kept or allow to become a stray, any unregistered dog or cat. Every owner or custodian of a dog or cat, upon presenting a current vaccination certificate to the Harris County Health Authority or his authorized representative showing that the dog or cat has been vaccinated within the preceding twelve (12) months and upon presenting a payment of a fee of \$10.00 shall be issued a numbered registration certificate and a corresponding numbered registration tag. Registration shall be valid for twelve (12) months from the date of vaccination. Upon presentation of proof of spaying or neutering of an animal to the Harris County Health Authority or his authorized representative, the owner or custodian may obtain a lifetime registration for an animal upon payment of a one time registration fee of \$15.00. An owner 65 years or older may obtain a lifetime registration for an animal upon payment of a one time \$15.00 registration fee. Any owner or custodian who obtains a lifetime registration as provided for herein shall continue to be responsible for having the animal vaccinated annually for rabies as required by the Texas Board of Health Rules.

B. The office of the Harris County Health Authority or such other places as may be designated by the Harris County Health Authority shall be the place where persons owning, keeping, or having in their possession any dog or cat covered by this Order shall pay the registration fee provided herein. Upon payment of such fee, it shall be the duty of the County Health Authority or his authorized agent to furnish the person paying the same a registration tag, upon which shall be a number, the fact of registering, and the year for which it was issued. Any veterinarian of Harris County may be issued a consecutively numbered book of registration receipts for registrations provided herein. Such veterinarian shall deliver to the Harris County Health Authority a copy of the receipt for each registration issued and account to the Harris County Health Department on a monthly basis for the registrations issued by him and remit on such monthly basis the fees collected by him to the Harris County Health Department.

C. In the event the registration tag is lost, a duplicate may be obtained from the County Health Authority upon presentation of a valid registration certificate and the payment of three dollars (\$3.00).

D. The Harris County Health Authority shall keep in a manner prescribed by him a permanent record of all the registrations issued under the terms of these rules, which records shall show the name and address of all persons being issued such registration tag, the number of registration tags issued, the date issued, the amount paid therefor and the sex and description of the dog or cat. The records shall be kept for a sufficient length of time at the discretion of the County Health Authority.

E. The provisions herein requiring registration of dogs and cats shall not apply to the following:

1. Any dog or cat under four (4) months of age, provided it is not vaccinated against rabies.
2. Dogs or cats owned by nonresidents whose stay in this county will not exceed thirty (30) days provided such owner keeps his dog or cat restrained at all times while in the county;
3. Any dog or cat brought into the county and entered in a show or exhibition, provided, this exception shall not be operative longer than the period of time commencing not more than seven (7) days before the time any such show or exhibition is held and ending not more than seven (7) days after the animal's participation in such show or exhibition; and

4. Dogs and cats currently registered within a local municipality within the county.

SECTION VI - RABIES, CONTROL AND QUARANTINE

When a dog or cat that has bitten a human, has been identified, the owner or custodian will be required to place the animal in quarantine as required by the Rabies Control Act of 1981 and amendments thereto, and the Rules of the Texas Board of Health in effect at that time. Expenses incurred by quarantine of animals either vaccinated or unvaccinated, shall be borne by the owner or custodian of said animal.

SECTION VII - PENALTIES FOR MISDEMEANORS

It is a Class C misdemeanor for any person to violate any rules established by this order of the Commissioners Court of Harris County and shall, upon conviction be punished by a fine not more than the maximum authorized by law.

SECTION VIII - DISMISSAL OF CERTAIN MISDEMEANOR CHARGES

A. When a person is charged with a misdemeanor offense under these Rules, the court in its discretion may defer proceedings and allow the person 180 days to present evidence that subsequent to the alleged act, he has successfully complied with any reasonable condition imposed on the defendant by the justice pursuant to article 45.54 Texas Code of Criminal Procedure. Such condition may include the condition that the defendant successfully complete the Harris County Rabies/Animal Control First Offender Program by paying a \$10.00 class registration fee and attending a class at the Harris County Rabies/Animal Control Shelter for a period of 3 hours.

B. At the conclusion of the deferral period, if the defendant presents satisfactory evidence that he has complied with the requirements imposed, the justice may dismiss the complaint.

SECTION IX - EFFECTIVE DATE

These rules shall become of full force and effect on the _____ day of _____, 1992, and shall remain in effect until amended or rescinded by the Commissioners Court after a public hearing concerning the proposed amendment or rescission.

SECTION X - SEVERABILITY

In the event any section, paragraph, sentence or word of these rules shall be held invalid, such invalidity shall not affect the remaining sections, paragraphs, sentences or words of these rules.

SECTION XI - CONSTRUCTION

These rules are adopted pursuant to the authority of the "Rabies Control Act of 1981" and are cumulative with and not in lieu of said Act.

